IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

FILED
APR 07 2004
LARRY W. PROPES, CLERK
COLUMBIA, S.C.

Jackson Lewis, L.L.P., Plaintiff, vs. EnerSys, Inc., Defendant.	Civil Action No. 3:04-1045-10 LOCAL RULE 26.01 INTERROGATORY RESPONSES

Plaintiff, by and through its undersigned counsel, files its responses to Local Civil Rule 26.01 Interrogatories as follows:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

Plaintiff is unaware of any person or entity who has a subrogation interest in this matter.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

Plaintiff's claims for breach of contract, breach of contract accompanied by a fraudulent act, and breach of covenant of good faith and fair dealing should be tried to the jury because they are legal claims seeking damages. Plaintiff's claim for quantum meruit recovery should be tried non-jury as it is an equitable claim.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

Plaintiff is not publicly owned, and it is not affiliated with any publicly owned entities.

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(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

Plaintiff filed in the Columbia Division because a number of the actions which may be relevant to the suit occurred in this division and because Defendant's facility was located in this division.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

Plaintiff is unaware of any related actions.

(F) [Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

Not Applicable.

(G) [Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

Not Applicable.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: ______________________________

R. Bruce Shaw
Federal Bar No. 3802
C. Mitchell Brown
Federal Bar No. 5283
Jeffrey S. Patterson
Federal Bar No. 6603
Keenan Building, Third Floor
1330 Lady Street
Post Office Box 11070 (29211)
Columbia, SC 29201
(803) 799-2000

Attorneys for Jackson Lewis, L.L.P.

Columbia, South Carolina
4/7, 2004

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Jackson Lewis, L.L.P., do hereby certify that I have served all the opposing party in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Answers to Local Rule 26.01 Interrogatories

Counsel Served:

EnerSys, Inc.
c/o Corporation Service Co.
5000 Thurmond Mall Boulevard
Columbia, SC 29201

Roxanne D. Jackson
Administrative Assistant

April 7, 2004